

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments allow persons claiming to be United States citizens to:

- Have their citizenship and identity verified through a data match with the Social Security Administration for the purposes of qualifying for Medicaid instead of through production of documentation such as a birth certificate and a government-issued photo identification; and
- Receive Medicaid benefits for a period of 90 days while the Department is awaiting confirmation of their citizenship and identity.

Documentation of citizenship and identity has been required for Medicaid eligibility since implementation of the Deficit Reduction Act of 2005, Public Law 109-171. This requirement has posed a barrier to many United States citizens who for various reasons are unable to produce copies of satisfactory documentation. As of October 2009, almost 14,000 Iowans had Medicaid benefits denied or canceled for failure to verify citizenship but subsequently gained or regained Medicaid eligibility when satisfactory documentation was finally obtained. More than 22,000 Iowans whose Medicaid benefits were denied or canceled for this reason remained ineligible.

In order to address this issue, the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3, authorizes states to verify individuals’ citizenship through an automated data match with the Social Security Administration. Other provisions of this legislation require states to approve Medicaid eligibility for a “reasonable period” for persons who meet all other requirements while proof of their citizenship and identity is pending.

The Social Security Administration estimates that 90 percent of requests for citizenship verification will be substantiated through the data match. These amendments provide that persons whose citizenship is not substantiated through this process will have 90 days to resolve the inconsistency in the records that prevents the match or to provide other satisfactory proof of citizenship and identity.

These amendments do not provide for waivers in specified situations because the amendments benefit the persons affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 24, 2010, as **ARC 8552B**. The Department received no comments on the Notice of Intended Action. The Department has made the following changes to the amendments as published under Notice of Intended Action:

- Revised the last sentence of subparagraph 75.11(2)“c”(2) to read as follows: “Medicaid shall not be approved for an applicant or continued for a member who has already received benefits during any portion of a reasonable period until satisfactory documentation is provided.”
- Adopted new paragraphs 75.19(1)“d” and “e” to clarify that eligibility only in a retroactive period or during a reasonable period for verifying citizenship does not qualify a child for continuous eligibility.
- Added an amendment to rule 441—76.3(249A) to clarify that an application for retroactive benefits will not be approved until documentation of citizenship is received even if completion of this requirement takes longer than the normal 30-day time frame for processing applications.

The Council on Human Services adopted these amendments on May 11, 2010.

The Department finds that these amendments confer a benefit on Medicaid members by streamlining the process of verifying citizenship and allowing eligibility while the process is completed. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code section 249A.3 and Public Law 111-3.

These amendments became effective on June 1, 2010.

The following amendments are adopted.

ITEM 1. Amend paragraph **75.11(2)“c”** as follows:

c. Except as provided in paragraph “f,” applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph “b” shall present satisfactory documentation of citizenship or nationality as defined in paragraph “d” or “e.” “d,” “e,” or “i.” A reference to a form in paragraph “d” or “e” includes any successor form. An applicant or member shall have a reasonable period to obtain and provide ~~proof~~ required documentation of citizenship or nationality.

(1) For the purposes of this requirement, the “reasonable period” begins on the date a written request ~~to obtain and provide proof for~~ documentation or a notice pursuant to subparagraph 75.11(2)“i”(2) is issued to an applicant or member, ~~whichever is later,~~ and continues ~~to the date when the proof is provided or the date when the department establishes that the applicant or member is no longer making a good-faith effort to obtain the proof, whichever is earlier~~ for 90 days.

(2) Medicaid eligibility shall be approved for new applicants and continue for members during the reasonable period not previously required to provide documentation of citizenship or nationality until the end of the reasonable period to obtain and provide required documentation of citizenship or nationality. ~~However, the receipt of Medicaid shall not be approved for applicants until acceptable documentary evidence is provided.~~ or HAWK-I benefits pending documentation of citizenship or nationality is limited to one reasonable period of up to 90 days under either program for each individual. Medicaid shall not be approved for an applicant or continued for a member who has already received benefits during any portion of a reasonable period until satisfactory documentation is provided.

(3) ~~A reference to a form in paragraph “d” or “e” includes any successor form.~~ Retroactive eligibility pursuant to 441—subrule 76.5(1) is available only after documentation of citizenship or nationality has been provided pursuant to paragraph “d,” “e,” or “i.” The retroactive months are outside the “reasonable period” during which Medicaid coverage may be provided without required documentation of citizenship or nationality.

ITEM 2. Adopt the following **new** paragraph **75.11(2)“i”**:

i. In lieu of a document listed in paragraph “d” or “e,” satisfactory documentation of citizenship or nationality may also be presented pursuant to this paragraph.

(1) Provision of an individual’s name, social security number, and date of birth to the department shall constitute satisfactory documentation of citizenship and identity if submission of the name, social security number, and date of birth to the Social Security Administration produces a response that substantiates the individual’s citizenship.

(2) If submission of the name, social security number, and date of birth to the Social Security Administration does not produce a response that substantiates the individual’s citizenship, the department shall issue a written notice to the applicant or member giving the applicant or member 90 days to correct any errors in the name, social security number, or date of birth submitted, to correct any errors in the Social Security Administration’s records, or to provide other documentation of citizenship or nationality pursuant to paragraph “d” or “e.”

ITEM 3. Adopt the following **new** paragraphs **75.19(1)“d”** and **“e”**:

d. Children who are eligible only in a retroactive month.

e. Children whose citizenship is not verified within the “reasonable period” described at paragraph 75.11(2)“c.”

ITEM 4. Adopt the following **new** subrule 76.3(7):

**76.3(7)** The application for retroactive Medicaid benefits is pending due to completion of the requirement in 441—subrule 75.11(2).

[Filed Emergency After Notice 5/11/10, effective 6/1/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/10.